

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11937 of 2024

Arising Out of PS. Case No.-1124 Year-2023 Thana- NAWADA District- Nawada

1. Sonu Kumar S/O Sharvan Rajbanshi R/O Village- Pachohiya, P.S.- Kadirganj O.P., District- Nawada
2. Sharvan Rajbanshi @ Shrawan Ram Son Of Arjun Rajbanshi R/O Village- Pachohiya, P.S.- Kadirganj O.P., District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma

For the Opposite Party/s : Mr.Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

6 20-02-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have filed the instant application for anticipatory bail, apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 504, 506, 354B, 379, 307 and 34 of the Indian Penal Code.

3. As per the FIR, it is alleged that while the informant was going to meet her husband in the filed, accused Sonu Kumar (petitioner No. 1), Rekha Devi and Sharvan Rajbanshi (petitioner No. 2) being armed with iron rod, lathi, danda in their hands suddenly attacked upon her. Sonu Kumar hit her on the head by butt of weapon and Sharvan Rajbanshi hit her on



the head by iron rod due to which she sustained head injury. Rekha Devi snatched gold locket from her neck. Hearing the commotion, her husband came there then the accused persons abused and assaulted him also.

4. It is submitted by learned counsel for the petitioners that petitioners are innocent and have been falsely implicated in this case due to land dispute. Petitioners and informant are 'gotia' and there is land dispute going on between the parties. The FIR has been lodged after delay of one day without any reasonable explanation. Perusal of the FIR shows no prima facie offence under Section 307 IPC against the petitioners and Section 379 and 354 IPC is super addition as the ingredients constituting offences are missing. It is lastly submitted that enmity is going on between the parties hence alleged sections are not made out against the petitioners. The petitioner No. 1 has no criminal antecedent whereas petitioner No. 2 has got one criminal antecedent.

5. From perusal of FIR, it appears that there is specific allegation against the petitioner No. 2 Sharvan Rajbanshi of causing fracture on the head by means of rod. In page 16 of the case diary injury report of the informant has been reproduced in which the doctor has found lacerated wound over



main occipital region.

6. Keeping in view of the aforesaid fact and considering the specific allegation, the prayer for anticipatory bail of petitioner no. 2 Sharvan Rajbanshi is rejected.

7. Keeping in view of the aforesaid fact and considering the allegation and clean antecedent, let the petitioner no. 1 Sonu Kumar be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Nawada (Town) P.S. Case No. 1124 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. Accordingly, the instant application stands disposed of.

(S. B. Pd. Singh, J)

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